

## Mayor and Council Conference Meeting – January 15, 2019

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, January 15, 2019 at the Borough Hall, Gould Avenue and began at 7:33pm.

Roll Call indicated the following present:

Council Members: Mayor Alessi, Council President Santomauro, Councilman Astorino, Councilman Chiaia, Councilman Raymond, Councilman Rees

Absent: Councilman Kessler

Also, present were David M. Paris, Borough Attorney; Frank Zichelli, Borough Engineer; Mark Deuer, Police Chief; and Tami Michelotti, Acting Borough Clerk.

Mayor Alessi called the meeting to order announcing that notice was provided in accordance with the requirements of Chapter 231, P.L. 1975.

Mayor Alessi asked Councilman Raymond to lead those present in the salute to the American flag.

### **Citizens to be Heard**

#### **Anthony DeStefano – 62 Evergreen Drive**

Mr. DeStefano was present to provide an update on Little League baseball. He stated that North Caldwell's plea for a West Essex Little League did not work. He stated that he and other residents met with recreation directors from North Caldwell and the other West Essex towns to discuss other options. Mr. DeStefano described the option of the Cal Ripken League which is similar to a Babe Ruth league. He stated that it maintains Recreation Baseball as the focus but provides the possibility of participation in national tournaments. He added that feedback from the recreation departments was favorable and asked the Council for their support in hopes of bringing the Cal Ripken League to West Essex for the 2019 season. Mayor Alessi thanked Mr. DeStefano for his dedication as a volunteer.

#### **Paul Scagnelli – 7 Stony Brook Drive**

Mr. Scagnelli asked Mr. Zichelli for an update on the Pulte construction. Mr. Zichelli stated that work on detention basin 2 continues and the diversion wall was scheduled to be poured during that week. He added that the concrete wall at the back of detention basin 2 was in progress but that a 10 foot section was pending PSE&G's relocation of a utility pole. He added that a swale would be added once the weather is warmer as would stone facing of the wall. Mr. Zichelli added that stone samples were sent to Mr. Doyle for him to choose from for the stone facing of the basin. Mr. Scagnelli suggested that an anti-graffiti coating be added to the stone facing. Mr. Zichelli stated that graffiti has not been a widespread concern in the Borough to date.

Mr. Zichelli stated that the installation of recharge trenches is progressing and noted that the layout was changed at his request. Mr. Scagnelli asked if the installation of swales and berms along the rear of Ferndale Road homes would connect to get the overland flow to the inlet at the top of Ferndale and Glenview. Mr. Zichelli noted the request was made of Mr. Mullin of Pulte to which no objection was made.

Mr. Scagnelli asked for a date when detention basin 2 would be operational. Mr. Zichelli stated that the remaining wall and grading of the interior should happen after PSE&G moves the pole. At this time the basin would be essentially operational although it would not have the low-flow channel yet.

Mr. Scagnelli referred to the mediation with Pulte scheduled for the following week. He stated that he received the documents of the lawsuit and countersuit through an OPRA request. He asked Mr. Paris for the Borough's goals of the pending mediation. Mr. Paris stated that he could not outline the Borough's position in public. Mr. Scagnelli suggested the Borough ask Pulte for all repairs to all properties damaged from Pulte's development without absolving Pulte of future issues. He added that Pulte Homes should address all groundwater issues in addition to overland flows as well as decreased property values resulting from prior flooding.

Mr. Scagnelli stated that the Borough's countersuit spoke well on behalf of the residents and was well-written.

#### **Carmella Cannistraci – 17 Glenview Road**

Ms. Cannistraci provided an update on her property issues including the deterioration of the steps from her basement deteriorating, water bubbling up from the basement, water discharge from sump pump higher up Glenview Road which ices over. She added that she is concerned with decreasing value of her home. She added that she will submit her damages to date from August 11, 2018 and from ongoing

problems. She asked the Borough to ensure residents be protected. She added that she has retained attorneys Adrienne Isikoff and Jacklyn D'Arminio who will reach out to Mr. Paris to offer assistance.

**Bernie Doyle – 31 Glenview Road**

Mr. Doyle expressed concern about the short buffer zone between his property line and the wall of detention basin 2. He noted that in some places it is only four feet. He added that the second wall is up to 10 feet high. Mr. Zichelli stated that the second wall was installed as a safety measure to divert water should the first wall be breached. He asked for significantly tall plantings between the two walls.

**Dan Gallagher – 36 Ferndale Road**

Mr. Gallagher enumerated his outstanding questions leading into the start of the mediation process. He requested reassurance that the Borough will represent residents. He asked if the drainage study of the Glenview culvert addressed downstream and upstream brook flow and what the findings were. Mr. Zichelli noted that he received the report from Petry Engineering but had not yet had the chance to share it with the Governing Body. He noted that the area was analyzed to include the pipe that crosses under Ferndale Road and further up 500 feet. He noted that the ditch between 17 and 19 Glenview Road was found to carry less capacity than what the pipe can handle. Mr. Zichelli stated that a proposal suggests improving the ditch and replacing the pipe with a box culvert. Mr. Zichelli stated that the study focused on water elevations from the ditch into Caldwell and that no erosion study was performed. He added that smaller storms are more destructive to banks than 100 year storms.

Mr. Gallagher described the ditch feeding into the wetlands behind Mr. Doyle's home as still carrying water. Mr. Zichelli stated that water is temporarily leaking slowly into the wetlands as the detention basin is being constructed. He noted that he monitors it and has found no erosion.

Mr. Gallagher noted that the slope behind Ferndale residences is lengthy and steep, starts outside of the 50 foot conservation area. He added that the swale on the easterly side of the slope sends water toward the homes since there are no trees. He asked for a plan to stop the water from entering the back yards. Mr. Zichelli stated that he has directed the request to Pulte who was amenable to it. Mr. Gallagher added that the request was addressed at the Planning Board before development.

Council President Santomauro confirmed that residents' requests are heard and will be reached if answers could not be provided on the spot. She offered that settlement discussions that evolve from the mediation will be voted on by the Council. Mr. Paris added that a settlement agreement would be in writing and subject to the approval of the entire Governing Body.

**Cecelia Surwiki – 22 Glenview Road**

Ms. Surwiki noted that water issues continue with no resolution and residents fear that there will be no compensation for the damages. Mr. Paris that litigation is not expedient resolution but that Mr. Zichelli is working to make changes at the site. He offered that all residents have the option of obtaining legal counsel individually or combined as a group.

**Dan Gallagher**

Mr. Gallagher added that plantings in the conservation area that were disturbed and requested that the tree count be replicated for replacement. Mr. Zichelli noted that a planting plan was part of the approved plans. He added that a tree clearing and planting plan near the berm and swale was created to direct water to detention basin 3. Mr. Zichelli offered to show Mr. Gallagher the plans in person to discuss transition planting areas.

**Items for Discussion**

**Beachmont Terrace Traffic Study**

Mr. Zichelli provided an updated on the previously approved multi-way stop at the intersection of Beachmont Terrace and Hamilton Drive East. He stated that a customary warning sign was erected to announce the impending stop sign; the sign generated concern from the resident on whose property the stop sign would be placed. The resident was concerned that he would not be permitted to have street parking for his guests within 25 feet of the stop sign in each direction. Mr. Zichelli stated that the resident asked a traffic engineer to look into the sign and the traffic situation who was willing to share some ideas with the Borough. Mr. Zichelli offered to hear the engineer's ideas and also presented the option of performing a traffic study of Hamilton Drive North, Hamilton Drive West and Beachmont Terrace. Mayor Alessi noted the unfortunate unintended consequences of some actions. Council President Santomauro stated that her conversation with the resident resulted in an understanding that a traffic study justifying the positioning of the sign on the resident's property is a necessary step. She stated that she explained that the sign is in the right-of-way but that his concerns are understandable.

## Mayor and Council Conference Meeting – January 15, 2019

She also noted that moving the sign would not be effective. She added that it was her understanding that the resident's engineer would conduct a traffic study. Council President Santomauro added that the resident suggested speed bumps but he didn't realize the noise that would result from them. She added that other residents on the street are in favor of the sign to ensure safety.

Councilman Chiaia asked that the Borough maintain status quo until we obtain results from professionals. Councilman Raymond noted that the Borough had the ability to install the sign as it is within 500 feet of Grandview School but stressed that safety should be ensured over aesthetics.

### NCFD Equipment – Air Tank Upgrade

Councilman Chiaia stated that the Public Safety Committee met with Chief D'Ascensio to learn about the air tank requirements. He noted that the air tanks are vital for providing clean air to firefighters in the line of duty. He added that the current tanks are 18 years old and have reached their shelf life. He described that the NCFD has the option of either restoring the current tanks or purchasing new tanks.

Fire Chief John D'Ascensio and Assistant Chief Tim Peterson were present and presented the options. He described a proposal to replace the air packs with new packs for \$180,000 or to modify or retro-fit the existing packs by adding new hardware to the existing frame for \$125,000. He noted that either option would come with a 10-year warranty and that cylinders have a 15-20 year shelf life. Chief D'Ascensio described the new packs as smaller and lighter weight. He noted that either option requires a compressor to refill air which costs an additional \$43,000.

Chief D'Ascensio stated the need to fund the tanks prior to budget approval as a grant program for retro-fitting tanks expires on March 25, 2019, which is before the Borough will be ready to adopt the 2019 budget. Waiting to fund the tanks out of the budget would force the purchase of new tanks if the grant period expires.

Chief D'Ascensio confirmed that the NCFD would be happy with either option but that the less expensive retro-fitting option requires a purchase order as soon as possible to meet the grant deadline imposed by the National Fire Protection Association. Mayor Alessi stated that if the NCFD are equally comfortable with both options, that the considerable savings would be preferable.

Councilman Rees asked if the refilling compressor could be shared with other towns. Chief D'Ascensio stated that the cylinders need to be refilled each time they are used; he noted that multiple volunteers respond to approximately 230 calls per year. He added that mutual aid towns have compatibility and that Fairfield offered use of their compressors. He noted that the time and responsibility for leaving town with the tanks to refill at another town would fall on the fire department officers who are already volunteering their time as first responders.

Chief D'Ascensio added that the last tanks were funded with a grant by the County after 9-11 but such a grant was not offered currently. Councilman Chiaia stated that the Essex County Improvement Fund granted money to the Fairfield Fire Department.

Councilman Chiaia added that any future development in town that comprises multi-level units such as Four Seasons would necessitate replacing the 61-foot ladder truck with a 107-foot ladder truck. Chief D'Ascensio added that the current ladder truck is insufficient. He predicted a cost of over \$970,000 which will increase each year. Councilman Raymond noted that the ladder truck upgrade is a longer-term consideration.

Mr. Zichelli offered that the funds are not readily available in the capital budget and would require a bond ordinance to fund prior to the 2019 budget. He added that the purchase order is critical at this time. The Council agreed to fund the retro-fitted air tanks with a bond ordinance to meet the grant deadline. Chief D'Ascensio offered to verify the grant deadline for the Council as the preference would be to fund the retro-fitting from the budget if an extension of the grant could be secured.

### Summer Fun Instructor Stipends

Mr. Zichelli stated that Recreation Program Director, Samantha O'Neill, hoped to retain seven of the Summer Fun counselors by offering a \$200 pay increase for the summer salary. He stated that the "stipend" would actually be a pay increase and not a one-time payment. The Council agreed to the pay increase.

### Team 94 Color Splash Run

Chief Deuer presented a request from a non-profit group, Team 94, that has asked for North Caldwell's permission to conduct a Color Run to raise funds for adults with autism. The event would run for

## Mayor and Council Conference Meeting – January 15, 2019

approximately 1-1/2 hours and would be held on April 7, 2019. He noted that the police would be present and would volunteer their time for the event. The one-mile run would follow the course previously used by the North Caldwell Recreation Foundation. The Council approved the Color Run.

### **Action to be Taken**

Raffle License Applications RA-1-19 and RA-2-19 for the Caldwell-West Essex Kiwanis Foundation 50/50 and Tricky Tray Raffles were presented by Councilman Raymond, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Resolution R-28-19 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Resolution R-29-19 A Resolution Approving 2018 Budget Transfers was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Resolution R-30-19 A Resolution Authorizing the Hiring of Additional Seasonal Employees for 2018 – 2019 Recreation Basketball Season – Scorekeepers was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-8-19 A Resolution Authorizing the Award of Discretionary and Open Contracts for the Borough of North Caldwell – Municipal Prosecutor was tabled.

Resolution R-15-19 A Resolution Authorizing the Award of a Professional Services Contract for Insurance Risk Management Consulting Services was tabled.

### **Executive Session**

Resolution R-31-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: (A) Contract Negotiations – (1) Caldwell Sewer Utility, (2) Risk Management Consultant; (B) Anticipated Contract Negotiations – (1) 620 Mountain Avenue, (2) Verona Municipal Court; (C) Litigation – (1) COAH Declaratory Judgment, (2) Pulte Homes; (D) Personnel – (1) NCPD, (2) NCDPW, (3) Financial Administrative Assistant, (4) Municipal Court Prosecutor, (5) Municipal Clerk. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried with five votes.

The meeting was re-opened to Public at 10:23pm.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Council President Santomauro, seconded by the Council members, that this meeting be adjourned at 10:23pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti  
Acting Borough Clerk